

Planning Commission Report

To: City Council

From: Planning Commission

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Date: January 13, 2016

File Numbers: LAND-2015-01937

Planning Commission Recommendation: Approval

Title: Redmond Zoning Code Amendment: Temporary Use Regulations for Encampments

Recommended Action: Adopt the proposed amendment to Temporary Use Regulations for Encampments (RZC 21.46) as recommended by the Planning Commission as shown in Exhibit A.

Summary: The recommended Zoning Code update would: allow five encampment stays under one initial permit; require no additional fees for those subsequent stays, allow encampments to stay up to six months with six months between stays, require subsequent stays to send a courtesy reminder to residents of approved encampment; and reaffirm the revocability of the issued permit. The Planning Commission also proposes that permit fees should be lowered to \$200/stay (\$1000.00 permit fee).

Reasons the Proposal Should be Adopted: The recommended Zoning Code update should be adopted to reduce the financial and logistical burdens of the host and sponsor organization of the temporary encampment. The proposed code amendment would also increase review efficiencies for the City.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing on the proposed amendment on December 2, 2015. Eight individuals provided testimony on the proposed amendment. The testimony received included the following questions/comments:

- Could the City consider extending the 110 day time period?
- Could the fee for the permit be reduced?
- Could the number of stays under an initial permit be increased from three to five?

The City of Redmond Planning Commission held a second study session on the proposed amendment on December 9, 2015. Six individuals provided comment under *Items From the Audience* on the proposed amendment. Written comments are included in Exhibit E. The comments received at the meeting were consistent with the questions/comments received during the Commission's public hearing on December 2, 2015.

b. Notice

Notice of the public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas mailed to various members of the public and various agencies. The Technical Committee's recommendation was also sent to the following organizations: Tent City Four, Camp Unity, St. Jude's Parish and the Redwood Family Church. Additionally, a hearing notification was posted on the City's web site.

Recommended Conclusions

1. *Key Issues Discussed by the Planning Commission*

The Planning Commission's Issues Matrix can be found in Exhibit B. A summary of the Planning Commission's discussion is provided below. Exhibit C contains the Planning Commission's meeting minutes from December 2, 2015. Because the December 9, 2015 meeting was not a public hearing, there is a meeting summary but not meeting minutes. The video of the December 9, 2015 meeting is available to further detail the Planning Commission's reasoning. The overall sentiment of the Planning Commission appeared to be supportive of host organizations and those residing in temporary encampments.

PERMIT DURATION

The Commission discussed permit timelines, as this issue was raised during the public testimony. Specifically, the Commission asked staff to explore whether limiting an encampment stay to 110 days is too short a duration?

Staff presented research on local surrounding jurisdictions that have encampment regulations. The research showed that the average allowed stay across six different jurisdictions is 91 days. Kirkland allows the longest stay at 92 days. The average required days in between stays is 435 days. Bellevue and Sammamish require 18 months between stays. Please refer to Exhibit D “Comparable Cities – Cost & Stay”.

The City of Redmond in contrast currently allows for a 110-day stay with a 365 day wait in between stays. Increasing the amount of days a stay to 120 days (4 months as suggested by public comment) is a viable alternative.

The Planning Commission expressed concerns about the financial and other impacts of shorter stays on encampment residents and sponsors as described by those who testified. Planning Commission recommended that temporary encampments should be permitted to stay at a host site for six months or the maximum time allowed that is consistent with the Zoning Code’s definition of short term temporary uses.

PERMIT NUMBERS OF STAYS

The Planning Commission discussed the number of stays allowed per permit. This issue was raised during the public testimony at the hearing. Specifically, the Commission discussed whether the initial encampment temporary use permit should be expanded to cover five stays, versus the three stays recommended in the Technical Committee recommendation.

Staff analyzed local comparable jurisdictions. No other cities surveyed allowed for more than one encampment (per site) per 365 calendar days. Bellevue and Sammamish both require an 18-month wait in between stays. Neither the current or proposed code would prevent other host sites/organizations from obtaining a temporary encampment permit if one encampment is already active. Staff advised that if a more intensive use is proposed, a more robust public outreach component should be utilized to ensure that the public have adequate opportunities to comment.

Planning Commission recommended that temporary encampments be allowed (5) five stays over (5) years under a single permit application in response to concerns about permit cost expressed during public testimony.

PERMIT RETROACTIVE

The Commission discussed the idea of making a permit retroactive, as this issue was raised during the public testimony. Specifically, the Commission asked whether the initial encampment temporary use permit could or should be retroactive, such as to January 1, 2015. Staff clarified that generally, city codes are only effective after the date of adoption. The Commission was satisfied with this response and closed the issue.

PERMIT SIMILARITIES AND DIFFERENCES WITH LOCAL JURISDICTIONS

The Commission spent some time discussing the idea of fee differences with other communities, as this issue was raised during the public testimony. Specifically, the Commission asked for a comparison table showing costs of obtaining similar permits for temporary encampments in other local jurisdictions. (Details can be found in Exhibit D).

Staff found that the average cost of a temporary use permit (the main method used to allow temporary encampments by the comparative jurisdictions) is \$1,135.34, excluding Issaquah. As presented in the Technical Committee recommended code amendment, the average cost per stay would be \$884.17 ($\$2,652.53 \div 3$ stays). This is below the comparable city average by \$251.17 per permit. If the permit were to cover 5 stays the cost would equate to \$530.51 per stay. Staff commented that the fee schedule is established by the City Council, and is not contained in the Zoning Code. During previous Planning Commission meetings regarding this subject, staff had discussed that the current fee was set to ensure full cost recovery of time and materials incurred by the City in reviewing and issuing a temporary encampment permit.

The Planning Commission recommended that the permit fee for temporary encampments should be lowered to \$1,000.00 (\$200.00/stay).

PERMIT TYPE

The Planning Commission spent some time discussing the idea of proper permit types. Specifically, the Commission asked staff the rationale for considering homeless encampments temporary uses versus permanent uses. The Planning Commission also inquired about the difference between short-term temporary uses and long-term temporary uses.

Staff explained that homeless encampments are generally viewed as temporary uses due to their limited length of stay and due to the temporary nature of the structures that are used to house the residents of the encampments. If the encampments were viewed as a permanent use, then zoning regulations would need to be drafted to establish the encampments as a use. The use would further need to be codified with requirements such as setbacks, landscaping, density, etc. Furthermore, building codes

regarding permanent habitable spaces would be required, as well as infrastructure such as water and sewer.

Staff also responded to the question regarding the difference between short-term temporary uses and long-term temporary uses. Staff explained that a short term temporary use is any use whose activity does not extend beyond a six month duration. A long-term temporary use is a use whose activity extends beyond six months, but for no longer than two years. The Commission was satisfied with this response and closed the issue.

PERMIT TIME PERIODS

The Commission spent some time discussing the time period between encampments. Specifically, the Commission asked staff to provide the history behind requiring a 365 day period between encampment stays.

Staff explained that the 365 day wait in between stays was drafted to match comparable cities and to provide the neighborhood surrounding potential host sites a break between encampments.

Planning Commission recommended a six month break between stays in order to reduce the number of times an encampment would need to relocate.

2. *Recommended Conclusions of the Technical Committee*

The recommended conclusions in the Technical Committee Report (*Exhibit D*) should be adopted as conclusions.

3. *Planning Commission Recommendation*

Commissioner Biethan made a MOTION to recommend approval of the Technical Committee's proposed updates to the Redmond Zoning Code regarding temporary use regulations for encampments with the following modifications:

1. Temporary encampments should be permitted to stay at a host site for six months or the maximum time allowed that is consistent with the zoning code's definition of short term temporary uses; and
2. Require a six months break in between stays; and
3. Allow (5) five stays over (5) five years under a single permit application; and

The motion was seconded by Commissioner Captain. The Planning Commission approved the motion by a vote of 4-0 at its December 9, 2015 meeting. The Commission also recommended that the City Council lower the permit cost to \$1,000 which equates to \$200.00 per stay.

List of Attachments

- Exhibit A: Recommended Zoning Code Amendments**
- Exhibit B: Planning Commission Final Issues Matrix**
- Exhibit C: Planning Commission Meeting Minutes for December 2, 2015 meetings.**
- Exhibit D: Technical Committee Report with Exhibits**
- Exhibit E: Planning Commission Hearing Written Public Comments**

Robert G. Odle, Planning Director

Date

Robert O'Hara, Planning Commission Chairperson

Date

Approved for Council Agenda

John Marchione, Mayor

Date